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Date of Deposit: February 26, 2003

Atty. Docket No.: 14098/1013B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Edberg, Stephen C.
Serial No.: 10/036288
Filed: October 24, 2001
Entitled: "Detection of First Generation
Environmental Sourced Microbes in an
Environmentally-Derived Sample"

Examiner: Unknown
Group Art Unit Unknown
Conf. No.: Not yet
Assigned

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Mark J. FitzGerald

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Signature of Person Mailing Paper

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449
3. Copies of Cited References (1-3); and
4. Return Post Card.

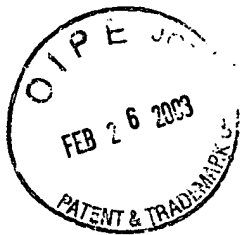
The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 14098/1013B. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: April 1, 2002

[Signature]
Name: Kathleen Williams
Registration No.: 34,380
Customer No.: 29933
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111 Huntington Avenue
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Docket # [Signature]
Response due _____
Statutory period _____
Palmer & Dodge LLP
Patent Department



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Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§§ 1.56, 1.97 AND 1.98

Dear Sir:

In accordance with the duty of disclosure under 37 CFR § 1.56, Applicant submits this Information Disclosure Statement pursuant to 37 CFR §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office. A listing of the cited documents is enclosed, as well as, for the Examiner's convenience, copies of documents (1-3) on the list. Pursuant to CFR § 1.97(b)(3), because this Statement is being submitted before the first Office Action on the merits, no fee is required. Please note that the rest of the documents listed on the PTO Form-1449 are not enclosed because they were filed already in the parent application (No.: 08/465,010).

Applicant does not intend to represent that any of the documents submitted herein are material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

The following documents are submitted:

1. November 24, 1997 Markman Ruling relating to U.S. Patent No. 4,925,789; Environetics, Inc. et al. v. Millipore Corp. (2:92CV825).

In this Ruling, U.S. District Court Judge Arterton held that the claim term which discloses a "specific medium" means a medium that will support reproductive growth of only the target microbe.

2. June 4, 2001 Ruling on Cross Motion for Summary Judgment relating to U.S. Patent Nos. 4,925,789, 5,429,933 and 5,780,259; Stephen C. Edberg et al. v. CPI (3:98CV716).

Serial No.: 10/036288

In this Ruling granting summary judgment for the defendant, U.S. District Court judge Arterton held that the subject patents claim a medium in which only target microbes will reproduce in log phase growth. This ruling is currently under appeal to the Court of Appeals for the Federal Circuit.


3. August 16, 2001 Ruling on Plaintiff's Motion for Reconsideration of the June 4, 2001 Ruling.

In this Ruling, U.S. District Court Judge Arterton denied plaintiffs' motion for reconsideration of the June 4 Ruling.

Applicant respectfully requests that the documents submitted herein be considered and made of record in this application. Upon request, Applicants will provide the Examiner with copies of any pleadings associated with the above Rulings (briefs, hearing transcripts, etc.).

Respectfully submitted,

Date: April 1, 2002



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